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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/890,771	03/05/2002	Peter Robert Flux	UDL0157PUSA	7885

7590 10/31/2006  
Brooks & Kushman  
Twenty Second Floor  
1000 Town Center  
Southfield, MI 48075

EXAMINER
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CHIN SHUE, ALVIN C

ART UNIT	PAPER NUMBER
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**GROUP 3600**

**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Application Number: 09/890,771  
Filing Date: March 05, 2002  
Appellant(s): FLUX, PETER ROBERT

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Attorney Kushman  
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed 9/16/05 appealing from the Office action mailed 1/10/05.

**(1) Real Party in Interest**

A statement identifying by name the real party in interest is contained in the brief.

**(2) Related Appeals and Interferences**

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

**(3) Status of Claims**

The statement of the status of claims contained in the brief is correct.

**(4) Status of Amendments After Final**

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

**(5) Summary of Claimed Subject Matter**

The summary of claimed subject matter contained in the brief is correct.

**(6) Grounds of Rejection to be Reviewed on Appeal**

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

**(7) Claims Appendix**

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(8) Evidence Relied Upon**

846,096	David (Great Britain)	8-1960
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**(9) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4 and 12 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by GB '096 to David. David shows a gripping means 10,25, a tensioning means with hollow shaft 6 and load setting means 11, indicator 27 and bracket means 18,24,23,1,4.

Claims 10 and 11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

**(10) Response to Argument**

**The rejection of claim 3 under 35 U.S.C. § 112 has been withdrawn. The rejections of claims 1-4 and 12, under 35 U.S.C. §103(a) of Lichtenberg in view of either Davis or David et al, the rejections of claims 1-4, under 35 U.S.C. §103(a) of Lichtenberg in view of Pilas, and the rejection of claims 10 and 11 have been withdrawn. With respect to claims 1-4 and 12 as rejected by David above, Appellant argues that the tensioning device is not a bottom anchor system and does not function as a fall arrest bottom anchor. It is noted that the tensioning device of David teaches all the claimed elements of the claimed tensioning device, and David's tensioning device is capable of tensioning a fall arrest line at its bottom end, thus the prior art to David meets all the requirement under 35 U.S.C. 102(b) and the rejection of the claimed tensioning device by David is thus proper.**

**(11) Related Proceeding(s) Appendix**

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

  
ACS

  
**Alvin Chin-Shue**  
**Primary Examiner**

Conferees:

Richard Chilcot

Peter Cuomo

Alvin Chin-Shue

  
  
